

Message

From: Sadowsky, Don [Sadowsky.Don@epa.gov]
Sent: 2/23/2021 9:01:35 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

TSCA, unless the PFAS becomes an impurity in the product.

Donald A. Sadowsky
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From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, February 23, 2021 4:00 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Okay—is the production process for a container covered by FIFRA CBI or would it be another statute (TSCA?)

Kerry Leifer, Chief
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e-mail: leifer.kerry@epa.gov

From: Sadowsky, Don
Sent: Tuesday, February 23, 2021 3:58 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Kerry, the question is about confidentiality of the process used by the container company in treating or cleaning the containers, not about the pesticide product in the container. The company has expressed concern, I believe, about revealing details of its process.

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From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, February 23, 2021 3:55 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

The absence of PFAS in a product or product container would not provide any information about a production, formulation, or packaging process that would be CBI.

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e-mail: leifer.kerry@epa.gov

From: Sadowsky, Don
Sent: Tuesday, February 23, 2021 3:52 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Correction accepted. Even so, it's a similar question about processes: does indicating that a particular PFAS is not in the product say anything about the process that was used? I would guess not, but I would want some sense of this before answering.

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From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 3:50 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

In this case, the PFAS is an impurity so it's not something that was chosen to be used, nor were they choosing from amongst a list of possibilities. I just didn't know whether saying an impurity isn't listed on a CSF (when maybe it should have been) strays into CBI.

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:46 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Good question, Erin. If there were dozens of possible PFAS that could be used, it probably doesn't reveal CBI to say that they're not in these containers. If it's a small number of products, there might be an issue, as it might point to other products that are being used.

The surest route is to ask the container company.

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From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 3:25 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Deliberative Process (DP)

From: Koch, Erin
Sent: Tuesday, February 23, 2021 3:23 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Given the questions about Inert Finder, I think it would be good to explain that inerts are intentionally added. There may also be impurities which are not intentional. Both inert ingredient and impurity are defined in 40 CFR 158.300. The PFAS found in this product has been considered an impurity. I'm not sure to what detail the materials you already have prepared from OPP already address this distinction, so they ought to weigh in if there isn't something already written. I'm cc'ing Kimberly and Kerry Leifer who is the inerts expert.

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:18 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Lara, I looked at the language again, and decided that my earlier edits could be made yet a bit clearer. See new language in green.

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From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 3:14 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Thank you, Don! That's really helpful.

Best,

Rhina M. Lara (*she/her/hers*)

Communications Branch
Office of Chemical Safety and Pollution Prevention
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Phone: (202) 815- 5722

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:08 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Edits to answer #6 below.

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From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 2:49 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Erin,

E&E news got back to us with three more questions. I just wanted to run them by you quickly for review!

5. *Is EPA working with any trade groups or organizations on this issue to communicate with pesticide manufacturers? Are there any plans to do widespread testing of other pesticides that are transported in the barrels?*

Yes, EPA has been in close communication with trade associations. In order to expand testing and understand the health and environmental risk implications of this issue, EPA is working with industry and trade organizations to conduct parallel testing to uncover possible contamination issues and engage in responsible product stewardship.

6. *Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted?*

Ex. 5 Deliberative Process (DP)

7. *Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?*

Ex. 5 Deliberative Process (DP)

Best,

Rhina M. Lara (*she/her/hers*)

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Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>

Sent: Monday, February 22, 2021 4:06 PM

To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>

Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Nothing further from me.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Sent: Monday, February 22, 2021 3:47 PM

To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>

Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>

Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

See thoughts in blue below. Thanks for the second look.

From: Lara, Rhina <Lara.Rhina@epa.gov>

Sent: Monday, February 22, 2021 3:39 PM

To: Koch, Erin <Koch.Erin@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>

Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Kimberly and Erin,

Just sharing modified answers after Shamus' review (mostly wording edits and adding that link to FDA at the end). Let me know if we are still good to go with these.

1. ***Who manufactures the barrels in question?***

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

the high-density polyethylene (HDPE) containers fluorinated by Inhance Technologies which are used to store and transport pesticides.

2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***

In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***

At this point, EPA does not believe the issue is specific to any geographic area. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. ***What can you tell us about what other products might be contained in these barrels?***

- ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is conducting additional testing to understand the extent and significance of the potential for PFAS contamination

Ex. 5 Deliberative Process (DP)

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For information on food and PFAS, contact FDA.

Best,

Rhina M. Lara (*she/her/hers*)

Communications Branch

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, February 22, 2021 2:44 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 4 PM

Rhina,

I don't have any comments on your proposed answers. They look pretty high level and as far as I know accurate. I'm cc'ing some of my colleagues for their awareness.

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Monday, February 22, 2021 12:58 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: REVIEW: E&E News Press Inquiry, DDL 4 PM

Hi Erin,

I hope you had a great weekend! We got a press inquiry from E&E News regarding the PFAS in pesticide packaging issue. Sorry for the quick turnaround, but we have to get an answer to the reporters by Wednesday. Could you please look over the following answers by **4 PM today**? The answers come from our internal Qs&As, so not a lot of new language.

1. ***Who manufactures the barrels in question?***

The fluorinated high-density polyethylene (HDPE) containers used by Clarke Mosquito to store and transport the affected pesticide are fluorinated by Inhance Technologies.

2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***

In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***

At this point, EPA does not believe the issue is specific to any geographic area. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. ***What can you tell us about what other products might be contained in these barrels?***

- ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. EPA is conducting additional testing to understand the extent and significance of the PFAS contamination and continues to be in close communication with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

Best,

Rhina M. Lara (*she/her/hers*)

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